

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kausik Si and Eric Kandel  
U.S. Serial No. : 10/578,203  
Filed : March 21, 2007  
Confirmation No. : 5211  
For : PRION-LIKE FORM OF CPEB AND RELATED COMPOSITIONS AND METHODS

30 Rockefeller Plaza, 20th Fl.  
New York, New York 10112  
November 18, 2010

BY EFS

Commissioner for Patents  
Alexandria, VA

Sir:

COMMUNICATION IN RESPONSE TO OCTOBER 22, 2010  
NOTIFICATION OF DEFECTIVE RESPONSE

This Communication is submitted in response to an October 22, 2010 Notification Of Defective Response issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the October 22, 2010 Notification is attached hereto as **Exhibit A**. The October 22, 2010 Notification provides a one-month time limit from the date of the Notification, i.e. November 22, 2010, for responding. Accordingly, this response is being timely filed.

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Remarks

The October 22, 2010 Notification indicates that applicants' response to the February 26, 2010 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure is not complete. The Notification indicates that "A copy of the 'Sequence Listing' in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated in the on the attached copy of the marked-up 'Raw Sequence Listing'." The marked-up "Raw Sequence Listing" indicates that the computer readable form (CRF) submitted July 26, 2010 is damaged or unreadable.

In response, applicants maintain that a readable CRF sequence listing was submitted to the United States Patent and Trademark Office on July 26, 2010. Applicants note that their file copy of the CRF submitted July 26, 2010 is readable. However, in order to expedite prosecution, applicants (1) submit herewith in "txt" format a further CRF of the Sequence Listing which complies with the requirements of 37 C.F.R. § 1.822 and/or 1.823, and (2) attach hereto as **Exhibit B** a Statement of Compliance Under 37 C.F.R. §1.821(f) certifying that the CRF of the Sequence Listing enclosed herewith is identical to the written Sequence Listing as filed on July 26, 2010 and includes no new matter.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

  
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Attorney for Applicants  
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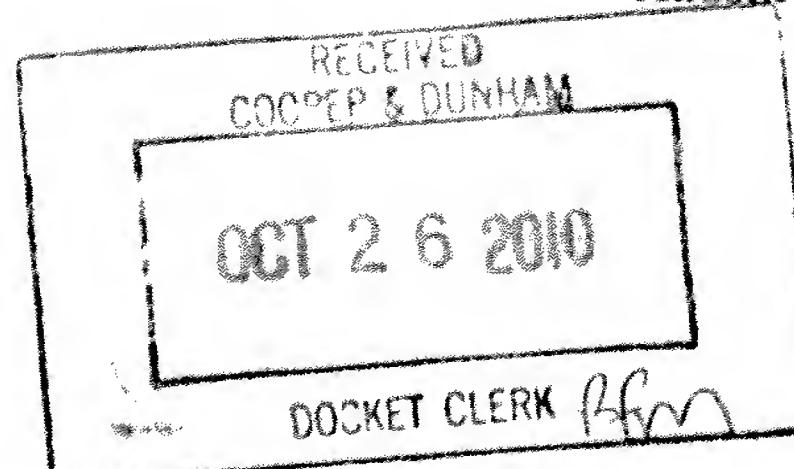
<b>Certificate of Transmission</b>	
I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on <u>November 18, 2010</u> .	
 11/18/10	Date
John P. White	Reg. No. 28,678



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,203 23432 COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112	Kausik Si	68103-PCT-US/JPW/CH



INTERNATIONAL APPLICATION NO.	
PCT/US04/36781	
I.A. FILING DATE	PRIORITY DATE
11/05/2004	11/07/2003

CONFIRMATION NO. 5211  
 371 FORMALITIES LETTER



OC00000004414361

Date Mailed: 10/22/2010

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 05/04/2006
- Copy of the International Search Report filed on 05/04/2006
- Copy of IPE Report filed on 05/04/2006
- Preliminary Amendments filed on 05/04/2006
- Information Disclosure Statements filed on 05/04/2006
- Biochemical Sequence Diskette filed on 07/29/2010
- Oath or Declaration filed on 03/21/2007
- Biochemical Sequence Listing filed on 04/29/2010
- Small Entity Statement filed on 05/04/2006
- Request for Immediate Examination filed on 05/04/2006
- Copy of references cited in ISR filed on 05/04/2006
- U.S. Basic National Fees filed on 05/04/2006
- Assignment filed on 03/27/2007
- Priority Documents filed on 05/04/2006
- Specification filed on 05/04/2006
- Claims filed on 05/04/2006
- Abstracts filed on 05/04/2006
- Drawings filed on 05/04/2006

resp due 11-22-10  
 RemindL 11-8-10

Applicant's response filed 07/29/2010 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/26/2010 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Refer to attachment or PAIR document dated 08/06/10.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DONNA S GREENE

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Telephone: (703) 756-1408

## SEQUENCE LISTINGS AND TABLES RELATED THERETO IN INTERNATIONAL APPLICATIONS FILED IN THE U.S. RECEIVING OFFICE

The Administrative Instructions (AIs) under the Patent Cooperation Treaty (PCT), in force as of **July 1, 2009**, contain important changes relating to the manner of filing, and applicable fees for, sequence listings and/or tables related thereto (sequence-related tables) in international applications. The complete text may be accessed at <http://www.wipo.int/pct/en/texts/index.htm>.

**Effective July 1, 2009**, Part 8 and Annex C-*bis* will no longer form part of the AIs. Part 8 was introduced in 2001 as a temporary solution to problems arising from the filing of very large sequence listings on paper and provided for a *sequence listing forming part of the international application* to be filed in electronic form on physical medium (e.g., CD), together with the remainder of the application on paper. In 2002, Part 8 was expanded to include sequence-related tables and Annex C-*bis* was added to provide technical requirements. All applicants may now file complete international applications in electronic form, eliminating the need for these temporary provisions.

### I. AIs PART 8 AND ANNEX C-BIS DELETED AS OF JULY 1, 2009

- A) **Sequence-related tables cannot be filed as a separate part of the description or in text format.** They must be provided as an integral part of the international application either:
  - in PDF format as part of an international application filed in electronic form via EFS-Web; or
  - on paper as part of an international application filed on paper.
- B) **A sequence listing forming part of an international application** may be provided either:
  - in electronic form, as part of an international application filed in electronic form via EFS-Web, in
    - Annex C/ST.25 text format (preferred), or
    - PDF format; or
  - on paper as part of an international application filed on paper.
- C) **A sequence listing not forming part of the international application (for search under PCT Rule 13ter) in Annex C/ST.25 text format**
  - is not required where the *sequence listing forming part of the international application* was filed in Annex C/ST.25 text format as part of an international application filed in electronic form via EFS-Web
  - is required for search where the *sequence listing forming part of the international application* was filed in PDF
  - is required for search on physical medium (e.g., CD) where the *sequence listing forming part of the international application* was filed on paper as part of an international application filed on paper.

### II. CALCULATION OF THE INTERNATIONAL FILING FEE AND FEE REDUCTION UNDER AI § 707

- A) **A sequence-related table** must form an integral part of the international application and will incur FULL page fees with no upper limit.
- B) **A sequence listing forming part of an international application** filed:
  - via EFS-Web in Annex C/ST.25 text format will incur NO page fees;
  - on paper or in PDF format will incur FULL page fees with no upper limit.

### III. AVAILABILITY OF SEQUENCE LISTINGS SUBMITTED FOR SEARCH UNDER PCT RULE 13TER

International Searching Authorities will be required to transmit to the International Bureau a copy of an Annex C/ST.25 text format sequence listing provided for search under PCT Rule 13ter. Any such sequence listing will be made available on PATENTSCOPE® (*sequence listings forming part of the international application* are already available).

### IV. JULY 2009 REQUEST (PCT/RO/101)

The Request now has two options for the last sheet: one for paper filings; and one for EFS-Web filings. The July 2009 Request may be accessed at <http://www.wipo.int/pct/en/forms/index.htm>.

## **SCORE - CRF Problem Report**

**SCORE experienced a problem when processing the following computer readable form (CRF):**

Application Serial Number: 10578203  
CRF Filing Date: 07/29/10  
Date Processed by SCORE: 07/30/10

Contact: **Electronic Business Center: Telephone: 866-217-9197**

### **Nature of CRF Problem:**

- (circle one) Damaged or Unreadable
- Blank (no files on CRF)
- Empty file (filename present, but no bytes in file)
- Wrong file saved to CRF (invention title, docket number, or applicant(s) do not match those in official application)
- Not saved in ASCII text
- Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- Did not contain a Sequence Listing.
- Other: See enclosed Screenshot

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**PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

1. **EFS-Web Legal Framework for information on CRF submissions using EFS-Web:**  
<http://www.uspto.gov/ebc/portal/efs/legal.htm>
2. **U.S. Postal Service:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. **Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):**  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 06/29/09

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